P.R. No. 1876/06
Presented by Shri R. Jaiswal
dated 5/12/06

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No.----------1826----------of 2006.

PETITIONER : Ashok Kumar Upadhyaya, aged about 42 years, son of Shri D.C. Upadhyaya, Resident of A-12, St. 10, Smriti Nagar, Bhilai, (C.G.).

SINGLE BENCH

VERSUS

RESPONDENT : 1. State of Chhattisgarh, through the Secretary,Cooperative Department, D.K.S. Bhawan, Raipur, (C.G.)

2. The Registrar, Cooperative Societies, Near Telibandha, Police Station (By Pass Junction) Raipur.

3. Deputy/ Joint Registrar, Cooperative Societies, Bunkar Sangh, Station Road, Durg, (C.G.)

4. Assistant Registrar, Cooperative Societies, Bunkar Sangh, Station Road, Durg, (C.G.)

5. Managing Director Bhilai Nagrik Sahkari Bank Mydt., Akanksha Building, Sector -6, Bhilai, (C.G.)

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CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS CERTIORARI, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS ORDER OR ORDERS DIRECTION OR DIRECTIONS.

1. PARTICULARS OF THE PETITION

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 1802/2006

Petitioner : Vivek Dharmadhikari

Versus

Respondents : State of Chhattisgarh, & others

W. P. No. 1803/2006

Petitioner : Smt. Padmini Shandey

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1804/2006

Petitioner : Smt. Sarala Sukla

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1805/2006

Petitioner : Rekha Deulkar

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1806/2006

Petitioner : Smt. Sheela B. Rajan

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1822/2006

Petitioner : Dauwa Ram

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1823/2006

Petitioner : Ram Nath Singh

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1824/2006

Petitioner : Chandra Bhushan Sharma

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1825/2006

Petitioner : Vipin Bihari Mishra

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1826/2006

Petitioner : Ashok Kumar Upadhyaya

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1827/2006

Petitioner : Ranjit Singh

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1828/2006

Petitioner : Ku. Madhuri Gosai

Versus

Respondents : State of Chhattisgarh & others

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W. P. No. 1829/2006

Petitioner : Ghanshyam Sahu

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1830/2006

Petitioner : Sankalp Yadav

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1853/2006

Petitioner : Madhuri Dewangan

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1858/2006

Petitioner : Smt. Rajshree Jha

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1859/2006

Petitioner : Mahendra Kumar Awadhiya

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1860/2006

Petitioner : L. Govind Raju

Versus

Respondents : State of Chhattisgarh & others

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W. P. No. 1861/2006

Petitioner : Yashwant Kumar Uike

Versus

Respondents : State of Chhattisgarh & others

W. P. No. 1862/2006

Petitioner : Deepesh Kumar Chakraborty

Versus

Respondents : State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri R.K. Jaiswal, Advocate for the petitioners.
Shri V.V.S. Moorthy, Deputy Advocate General for the State.
Shri Amiyakant Tiwari, Advocate for the respondent No. 5.

ORDER

(11th September, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. This batch of matters involving common question of facts and common question of law, thus, these petitions are being disposed of by this common order.

2. The petitioners have filed a brief writ petitions dehors the material facts involved in the case. The petitioners in all petitions in para 1 have mentioned facts to the extent that the management of the society has decided to reduce the financial expenditure of the establishment of the Bank without giving any details of the facts. Even otherwise no case has been made out for entertaining these petitions under the writ jurisdiction. However, it was pointed out that equally effective, efficacious alternative remedy by way of filing an

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appeal before the Registrar, Co-operative Societies as provided under Section 55 of the Co-operative Societies Act 1960 (for short 'The Act, 1960) is available to the petitioners. Section 55 (1) & (2) reads as under :-

> "55. Registrar's power to determine conditions of employment in societies.- (1) The Registrar may, from time to time, frame rules governing the terms and conditions of employment in a society or class of societies and the society or class of societies to which such terms and conditions of employment are applicable shall comply with the order that may be issued by the Registrar in this behalf.
>
> (2) Where a dispute, including a dispute regarding terms of employment working conditions and disciplinary action taken by a society, arises between a society and its employees, the Registrar or any officer appointed by him not below the rank of Assistant Registrar shall decide the dispute and his decision shall be binding on the society and its employees.
>
> Provided that the Registrar or the officer referred to above shall not entertain the dispute unless presented to him within thirty days from the date of order sought to be impugned:
>
> Provided further that in computing the period of limitation under the foregoing proviso, the time requisite for obtaining copy of the order shall be excluded."

3. The petitioners have not availed the alternative remedy, which appears to be effective, efficacious and the appellate authority is competent to go in detail about the facts.

4. Learned counsel appearing for the petitioners seeks liberty of this Court to withdraw these petitions and to move appropriate alternative

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forum available to them for redressal of grievances of the petitioners.

5. Accordingly, the petitions are dismissed as withdrawn with the above stated liberty. No order as to costs.

6. A copy of this order be placed on record of other nineteen connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge